

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

ERIC TABARO NSHIMIYE,  
a/k/a Eric Tabaro Nshimiyimana,

Defendant

CRIMINAL No. 1:24-cr-10071-FDS

**JOINT STATUS REPORT AND MOTION FOR EXCLUSION OF TIME**

The United States of America and the defendant, through counsel, hereby submit this joint status report.

In a public ruling issued on April 15, 2025, the court explained that it was considering issuing two letters rogatory requesting information that the defense seeks, namely travel documents from the Kenyan and Rwandan governments. Dkt. No. 84. The Court asked the parties to confer on the matter and ordered the government to file a response. Dkt. No. 84. On May 27, 2025, the parties filed a joint response to the court's order. Dkt. No. 97. It stated that the government had initiated requests, which will pass through the Department of Homeland Security's embassy and police contacts, for the information. Dkt. No. 97. The parties stated that they believed that this approach would obtain the requested information, if it exists, more quickly than the issuance of letters rogatory. Dkt. No. 97. The government promised to forward replies. Dkt. No. 97. The defense also withdrew its requests for the letters but reserved its right to renew its applications in the future. Dkt. No. 97.

Also, on April 15, 2025, the defense filed a motion to have both current attorneys – Mr. Kurt Kerns and Mr. Maksim Nemtsev – appointed as his counsel. Dkt. No. 82. On May 29,

2025, the court appointed Mr. Kerns but declined to appoint a second attorney. Dkt. No. 99. In addition, on May 23, 2025, the defense filed a Motion to Revoke Pretrial Detention based on alleged due process concerns. Dkt. No. 95. The government's response to this motion is due on June 6, 2025.

Finally, on March 28, 2025, defense counsel visited the U.S. Attorney's Office to review the contents of several banker's boxes of hard copy discovery produced to the defense in *Kantengwa* and *Munyenyenzi*. The government reminded the defense that all of this material, kept at the U.S. Attorney's Office, should be deemed "Protected Information Subject to Protective Order," as that phrase is used the Protective Order entered in this matter, even though each page is not so marked. Dkt. No. 35. On the same day, the government produced the contents of about 64 compact discs containing information relating to the *Kantengwa* and *Munyenyenzi* cases. Some of these materials are also subject to the Protective Order issued in this case. Dkt. No. 35. The defense is continuing to review discovery produced in this matter.

Given the status of discovery and motion practice in this matter, the parties jointly request that the Court schedule an interim status conference on or about July 7, 2025, unless the Court wishes to see the parties sooner. Absent something unexpected, the government expects at that appearance to request that the case be referred to the district court.

In the meanwhile, the government – with the assent of the defense – also moves that the court find that the ends of justice served by continuing the case until July 7, 2025 (or the next scheduled appearance) outweigh the best interest of the public and the defendant in a speedy trial, because failing to grant the continuance would deny counsel for both the Government and

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the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §§ 3161(h)(7)(A),(B)(iv).

Respectfully submitted,

ERIC TABARO NSHIMIYE  
Defendant

LEAH B. FOLEY  
United States Attorney

By: s/ Maksim Nemtsev by JTM  
Maksim Nemtsev  
Kurt P. Kerns  
Counsel to Eric Tabaro Nshimiye

By: s/ Amanda Beck  
Amanda Beck  
Jason Casey  
Assistant United States Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

s/ Amanda Beck  
Amanda Beck  
Assistant United States Attorney

Date: June 3, 2025